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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND
REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling its resolution 49/203 of 23 December 1993, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI).

Recalling also Commission on Human Rights resolution 1991/74 of 6 March 1991, by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution 1995/76 of 8 March 1995, by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its fiftieth session and a final report to the Commission at its fifty-second session,

Bearing in mind Security Council resolution 668 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling also Security Council resolution 986 (1995) of 14 April 1995, which authorized States to permit imports of Iraqi oil up to the amount of 1 billion United States dollars every ninety days, on a renewable basis, in order to purchase essential food and medical supplies for humanitarian purposes,

Deeply concerned by the persisting massive and grave violations of human rights by the Government of Iraq, of which there are no signs of improvement, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and inhuman punishments, torture and other cruel, inhuman or degrading treatment, arbitrary arrests and detentions, lack of due process, non-respect for the rule of law and the suppression of freedom of thought, of expression and of association, as well as the persistence of specific discrimination within the country as regards access to food and health care, which amounts to a violation of the economic and social rights of Iraqis,

Deeply disturbed by the observation by the Special Rapporteur that Iraqi armed forces have continued their attacks on the farming communities throughout the region adjoining northern Iraq and in the south of the country, resulting in the destruction of their crops and livestock,

Deeply disturbed also by reports about the climate of oppression and the dire economic and social situation in the south of Iraq,

Noting the responsibility of the Iraqi authorities with regard to persons missing as a result of the Iraqi occupation of Kuwait and also that Iraq has recently renewed its participation in the Tripartite Commission established pursuant to the cease-fire agreement of 1991,

Deploring the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by receiving a return visit of the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq 3/ submitted by the Special Rapporteur of the Commission on Human Rights and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror;

3. Expresses its condemnation with regard to the violations of human rights and international humanitarian law, in particular of:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations to freedom of movement;

4. Urges the Government of Iraq to cooperate with the United Nations with a view to arranging for the export of oil in order to purchase essential food and medical supplies for humanitarian purposes, as authorized by Security Council resolution 986 (1995);

5. Strongly condemns the continued refusal of the Government of Iraq to take advantage of resources available to alleviate the suffering of the people, which includes long-term disabilities, of millions of people and the death of many thousands more;

3/ A/50/734.

6. Again expresses its special alarm at the policies of the Government of Iraq, which discriminate between regions and prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

7. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

8. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

9. Demands that the Government of Iraq abrogate any and all decrees that prescribe cruel and inhuman punishment or treatment and take every step necessary to ensure that the practices of torture and cruel and unusual punishments and treatment no longer occur;

10. Urges the Government of Iraq to abrogate all laws and procedures, including Revolution Command Council Decree No. 840, of 4 November 1986, that penalize the free expression of competing views and ideas and to ensure that the genuine will of the people shall be the basis of authority in the State;

11. Also urges the Government of Iraq to improve its cooperation with the Tripartite Commission with a view to establishing the whereabouts or resolve the fates of the remaining several hundred Kuwaitis and third-country nationals who disappeared under the illegal Iraqi occupation of Kuwait;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the se..ding of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

13. Decides to continue its consideration of the situation of human rights in Iraq during its fifty-first session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.